

BUFFALOBERRY PATCH

Lake Sakakawea Salmon and Smelt Update

Of the quarter-million chinook salmon planted in the Missouri River System in June by the North Dakota Game and Fish Department, 200,000 were released in Lake Sakakawea and 50,000 in the Garrison Dam Tailrace. Another 50,000 chinook salmon will be stocked in Sakakawea in October.

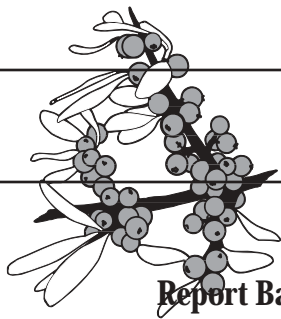
During years with ideal water levels, salmon will commonly grow to 8-10 pounds before anglers catch them. Growth is noticeably poorer in recent years because of low water levels and a declining rainbow smelt population, the primary forage fish for Sakakawea's salmon. For this reason, 50 percent fewer salmon than usual were stocked in Sakakawea in spring 2006.

The smelt population has followed Sakakawea's falling water levels since 2000. The last three years, lake levels have been at record lows – about 25 feet lower than ideal – hurting smelt reproduction and survival.

Salmon and smelt need deep, cold water to survive. Low lake levels in recent years have significantly reduced the amount of coldwater habitat in the big lake. In July 2005, the U.S. Army Corps of Engineers modified Garrison Dam's intake structure in an effort to conserve coldwater habitat. The modification will remain in place as long as reservoir levels remain low.

In spring 2006, the corps improved smelt spawning conditions by allowing Lake Sakakawea's level to raise by two feet during and immediately following the spawn. Despite the rise, sampling by State Game and Fish Department fisheries biologists indicated that smelt reproduction was poor.

The likelihood of producing a good smelt year-class in Lake Sakakawea is better when water levels are above 1,825 feet above mean sea level during the spawning period. Below 1,825 msl, quality smelt spawning substrate – rock and rubble – is lacking. Lake levels the last three years have reached summer highs of only about 1,817 msl.



Report Banded Birds

Hunters are reminded to check harvested migratory birds for bands this fall and report their findings.

These bands many times tell an interesting story. For example, a researcher in Manitoba, Canada recently recaptured a snow goose that he banded 37 years earlier, when the bird was already an adult. In 2005, a mourning dove banded in northwestern North Dakota was shot by a hunter nearly 2,000 miles south in southern Mexico. The bird made the trip in less than two months.

Reporting band information is simple. Call the U.S. Geological Survey's bird banding lab at 800-327-2263 or visit its website at www.pwrc.usgs.gov/bbl.

The band number, date and location of recovery are needed. After the band information is processed, hunters can expect a certificate of appreciation and information about the bird. Hunters can keep all bands they recover.

The toll-free number is for reporting U.S. Fish and Wildlife Service bands only, not those from pheasant farms or found on other upland game. Also, questions about waterfowl or hunting regulations should be directed to the Game and Fish Bismarck office at 328-6300.

This fall, remember to carefully inspect ducks, geese and doves for bands. Hunters can experience and imagine where a bird has been and the things it has seen, simply by reporting bands they recover.



RON WILSON

Migratory bird hunters are urged to check harvested birds for bands and report their findings.

Baiting Prohibited on State WMAs

Baiting is prohibited on all state-owned or managed wildlife management areas. Baiting is defined as the placement and/or use of bait for attracting big game and other wildlife to a specific location for the purpose of hunting. Baits include, but are not limited to, grains, minerals, salts, fruits, vegetables, hay or any other natural or manufactured foods.

INSTANT LICENSING

Online at gf.nd.gov or by phone
800-406-6409

Most types of Game and Fish licenses and applications are available both online at the Department's website, or over the phone. Online license purchases have no surcharge, while instant licensing over the phone carries a service charge of \$4 for transactions of \$70 or less, and \$10 if the cost is more than \$70.

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WARDEN STORIES



Bob Timian

A Range of Violations

By Bob Timian, Enforcement Division Chief

Game wardens, like other law enforcement officers, deal with a number of different types of violations. We

frequently get questions and comments on variations in fines and penalties for game and fish related crimes, so we thought it would be helpful to provide a summary of the structure of violations that govern game and fish law.

Generically, violations are divided into two classifications: criminal and non-criminal.

In general, noncriminal are those violations for which jail time *is not* a possibility. Criminal violations are those for which jail time *is* a possibility.

Noncriminal violations can be further divided into Class I, Class II and administrative categories. Each class has its associated fines defined in North Dakota Century Code.

The fine for a Class I noncriminal violation, such as a failure to keep records by a taxidermist, is \$50.

The fine for a Class II noncriminal violation, such as not having enough personal flotation devices on board a watercraft, is \$25.

Penalties for noncriminal violations are generally fixed, meaning that not having a PFD, for instance, would carry the same fine/fee throughout the state.

Violations of administrative rules also carry noncriminal penalties. An example is possession of undersized fish, which would cost the violator \$25 per fish, up to a maximum of \$250.

Criminal violations are divided into misdemeanors and felonies.

Only two felonies, both Class C, are described in the game and fish portion of the state century code.

Misdemeanors are Class B and Class A.

Class B misdemeanors have a maximum sentence of 30 days in jail and \$1,000 fine, and can also result in confiscation of property and suspension of privileges. Hunting pheasants in a closed season is an example of a Class B misdemeanor.

Class A misdemeanors, such as illegal killing of an elk, have a maximum sentence of one year in jail and \$2,000 fine, and can also result in confiscation of property and suspension of privileges.

Although there are other differences between criminal and noncriminal procedures, in all cases the violator has the right to a hearing or trial if they choose.

While criminal sentences up to the statutory maximum are ultimately at the discretion of a judge, states attorneys play a major role and have the authority to enter into plea agreements with the defendant.

The states attorneys and judges can, and usually do, consider a number of factors, including the officer's case report, in deciding the plea agreement and/or sentence.

As an example, consider two different individuals, each charged with hunting pheasants in closed season. In one case, the violation is a first offense. In the other case, it is the defendant's third game and fish violation in four years. The sentences could be quite different, though the charge is the same in both cases.

Get Your HIP Number

In 2005, more than 56,600 people who hunted in North Dakota registered with the Harvest Information Program. HIP is designed to identify all migratory bird hunters, regardless of age, as potential participants in nationwide migratory game bird harvest surveys.

Hunters who will – or event think they will – hunt ducks, geese, mourning dove, snipe, tundra swan, sandhill crane, coot or woodcock in 2006, need to get HIP certified. Hunters who secured a HIP number for the spring snow goose season do not need to get another one.

The Harvest Information Program started in 1998. "Our game wardens are saying that HIP compliance in North Dakota is pretty high," said Mike Johnson, State Game and Fish Department game management section leader. "HIP needs to be regarded by hunters like a license, even though it's not a license. It's that important. Without the harvest information, we can't have hunting seasons."

Getting HIP certified is free and simple. Dig out your 2006 hunting or combination license and have your social security number handy. Then log on to the Game and Fish Department's website at gf.nd.gov, click on HIP on the home page, follow the instructions and write your HIP number on your license. Or you can call toll-free 888-634-4798 or 800-406-6409.



Hunters are reminded that baiting is not allowed on North Dakota Game and Fish Department wildlife management areas.

Antlerless Deer Licenses Available

Deer hunters still have time to purchase doe licenses for North Dakota's 2006 gun season. These first-come, first-served licenses are available to hunters who don't already have a license, or for those who want additional licenses.

Hunters can apply on the Game and Fish Department website, gf.nd.gov. Paper applications are available from Department offices, county auditors and license vendors. Residents and nonresidents are eligible to apply.

Hunters are reminded that additional doe licenses can be used during the archery season with a bow; deer gun season with a bow, rifle, or muzzle-loader; or during muzzle-loader season with a muzzle-loader. Hunters must stay in the unit to which the license is assigned.

The regular deer gun season begins at noon November 10 and continues through November 26.

Sandhill Crane Permits Available

Hunting permits for North Dakota's 2006 sandhill crane season – opening September 16 – are now available.

Prospective hunters need a special crane permit, regardless of age. The permit costs \$5 and is available through the Game and Fish Department's Bismarck office.

Hunters can purchase crane permits online at the Department's website, gf.nd.gov. Another option is to send the permit fee, along with personal information, including height, weight, sex, social security number, date of birth, color of hair and eyes, and hunter education number and state issued, to Crane Permit, NDGF, 100 N. Bismarck Expressway, Bismarck, ND 58501.



Wildlife Photo Contest Deadline

The deadline for submitting photos to the Game and Fish Department's Watchable Wildlife Photo Contest is September 30.

Prints, slides and digital photos are all acceptable formats for entries in categories for nongame wildlife, game animals, plants and insects. The Watchable Wildlife program's annual promotion poster will feature the top photo from the nongame category.

The poster winner, and all place winners in each category, will receive prizes. Each prize-winning photograph will also appear in *North Dakota OUTDOORS*.

Full contest rules were published in the July 2006 issue of *North Dakota OUTDOORS*. They are also available at gf.nd.gov; by email request to ndgf@nd.gov; or by calling Jeb Williams at 328-6332.